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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,388	10/17/2001	Wayne John Harrison	JAMES-014B	6815

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STETINA BRUNDA GARRED & BRUCKER
75 ENTERPRISE, SUITE 250
ALISO VIEJO, CA 92656

EXAMINER	
MUSSER, BARBARA J	

ART UNIT	PAPER NUMBER
1733	

DATE MAILED: 09/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No.	Applicant(s)
	09/981,388	HARRISON, WAYNE JOHN
	Examiner	Art Unit
	Barbara J. Musser	1733

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

THE REPLY FILED 16 August 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.

b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2. ☒ The proposed amendment(s) will not be entered because:

   (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);

   (b) ☒ they raise the issue of new matter (see Note below);

   (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d) ☒ they present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: *See Continuation Sheet*.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.

4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5. ☒ The a)☐ affidavit, b)☐ exhibit, or c)☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: *see attachment*.

6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

7. ☒ For purposes of Appeal, the proposed amendment(s) a)☒ will not be entered or b)☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: *1-10*.

   Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9. ☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.

10. ☐ Other: _____

ATTACHMENT

Regarding applicant's arguments as to the Harrison Declaration, absent evidence that MP-531 is chemically treated on the same side as it is metallized, the declaration is considered to be inconsistent with the claimed invention. It is noted that even if evidence is provided that MP-531 was chemically treated on the same side as it was metallized, this is not evidence it was known to CORONA treat the metallized side.

Regarding applicant's arguments that there is no requirement that the treatment be on the opposite side of the metallization, one in the art reading the specification as a whole would find no evidence that the treatment occurred on the same side as the metallization since the specification, the abstract, and the original claims all refer to the invention being the metallization being on the opposite side from the treatment as in paragraphs [0015]-[0018].

Regarding applicant's arguments as to the temperature at which the corrugator is run and the increase in melting temperature of the polymer, such is not claimed. If this treatment results in the unexpected rise in melting temperature of the polymer, data to that effect needs to be provided, and the original melting temperature of the polymer and run temperature of the corrugator need to be claimed.

Regarding applicant's argument that the process of Brownlee would not work, applicant has shown no evidence of such, merely supposition.

Regarding applicant's argument that Brownlee does not disclose how to avoid the problem of the polyester film melting in the corrugator, polyester is a generic material and the molecular weight determines the melting point. Many different types of

polyester exist with different melting points, some as high as 175C as a search of the internet shows.

Regarding applicant's argument that Peer, Jr. does not disclose the polymer as polyester, Brownlee, the primary reference, discloses the plastic is polyester. However, Peer, Jr. et al. also discloses it is polyester since it discloses the use of polyethylene terpthalate,(Col. 5, ll. 66) which is a type of polyester.

Regarding applicant's argument that Peer, Jr. et al. only discloses portions of the polymer film as being metallized, applicant's claims only states that one side is metallized. They do not require that entire side to be metallized.

In response to applicant's argument that one would not look to Olvey to fix problems with polyester's inability to handle excess heat, the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See *Ex parte Obiaya*, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Barbara J. Musser** whose telephone number is **(571) 272-1222**. The examiner can normally be reached on Monday-Thursday; alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver can be reached on (571)-272-1156. The fax phone

number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BJM

BLAINE COPENHEAVER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700

Continuation of 2. NOTE: Without evidence that the trademark MP-531 is chemically treated on the metallized side, one reading the specification would assume it would be the opposite side. Therefore, without further evidence, the chemical treatment being on the same side as the metalization would be considered new matter. It is noted if applicant supplies such evidence, it is not evidence that it was known to corona treat and metallize the same side as required by claim 1 or that the metallization occurred before the chemical treatment since the examples require chemical treatment prior to metalization.